

Employers would have to receive at least 7 days advance notice of each absence, so that employers will have ample opportunity to arrange work schedules around the brief absence of the employee.

Clearly, this legislation is needed. A recent survey of 30,000 PTA leaders found that 89 percent of parents cannot be as involved in their children's education as they would like because of job demands. A Radcliffe Public Policy Institute study completed last year found that the total time that parents spend with their children has dropped by a third in the past 30 years. This disturbing trend must be reversed.

Greater involvement of parents in their children's education can make a vital difference in their learning experience. A big part of that involvement is more regular contact between parent and teacher, and more regular participation by parents in their children's school activities.

Many of those meetings and activities are scheduled during the workday. As a result, millions of parents are unable to participate because their employers refuse to allow time off. Permitting a modest adjustment in a parent's workday can greatly enrich a child's schoolday. All children will benefit from this kind of parental support and encouragement, and so will the country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be permitted to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WIFE AND CHILD ABUSERS CAN STILL OWN GUNS

Mr. LAUTENBERG. Mr. President, on September 12, the U.S. Senate, by a vote of 97 to 2, approved an amendment that I sponsored to ban wife beaters and child abusers from having guns. Last night, I learned something about this place that shocks me, and I am here now for 14 years. I learned that even a mandate, voted on 97 to 2, can be dispensed with by a wink of the eye and a nod of the head, with the Rifle Association looking over Members' shoulders. I was told last night that, behind closed doors, the Republican leadership has decided to entirely gut this legislation and say that someone who beats his wife and beats his child ought to be able to own a gun. In other words, the gun is more valuable than the life that may be in jeopardy.

According to the information I received, the continuing resolution now

will contain language that seems to have been drafted directly by the National Rifle Association. This new language would allow child abusers to have guns. It also lets off the hook all wife beaters who are convicted in a bench trial, that is, as opposed to a jury trial, just a judge sitting there. And it contains special notification requirements that will allow many wife beaters to hold on to their guns, and that will say to these wife beaters: For you, unlike for everyone else in our society, ignorance of the law is an appropriate excuse.

Mr. President, perhaps it is obvious, but I am absolutely outraged by this proposal, and I hope Americans across our Nation will be outraged, particularly those who have a sister, a mother, a daughter, those who care about what happens with women in our society. It represents a complete cave-in to the most radical fringe of the gun lobby. It will jeopardize the lives of thousands of battered women and children around our Nation.

I am especially outraged because the language approved by the Senate had won such broad, bipartisan support. Among those who approved this legislation were Senator CRAIG, Senator LOTT, the distinguished majority leader, and Senator HUTCHISON from Texas. They all agreed to this. That is why my amendment passed this body by a vote of 97 to 2.

Unfortunately, the gun lobby is now intruding in the legislative process and emasculating this legislation. The NRA language, apparently being placed in the CR, would completely gut the protections in our amendment. It would put guns directly in the hands of people who have beaten their wives or abused their kids. The end result, without any question, would be more shootings, more injuries, and more death.

Mr. President, this new language has several flaws, and I want to take a moment to explain them. First of all, this amendment would completely exempt child abusers from the ban on firearm possession. OK, you can beat your kid, you can still have your gun. Is that the kind of society that we want? I don't think so.

As I have explained, my proposal, as approved by the Senate, applies both to those who abuse their spouses and those who abuse their children. The new language in the Republican bill stands for the proposition that child abusers may continue to possess their guns.

Mr. President, that is absurd, it is outrageous, infuriating, and it is an insult to women in our society. It is an insult to men who think positively about the females in their lives. If someone assaults his own child and is convicted for it, that abuser, in my legislation, has sacrificed any claim to a gun. That is the way I think it ought to be, and 97 Senators agreed with me. That was the second vote, by the way, on my legislation. One time it was unanimous, by a voice vote, with not

one objection. More importantly, the child needs protection, and he or she deserves it.

If we can't protect the most vulnerable among us, our abused children, what does that say about us? What does it say about this cowardly Congress? What does it say about the power the National Rifle Association has over our entire society?

Mr. President, excluding child abusers from this ban would be reason enough to defeat this amendment. But there is more. This amendment would also allow many wife beaters to continue to possess firearms. The amendment would entirely exempt from the ban anyone who has been convicted in a trial that was heard solely by a judge. Only convictions from a jury trial would be subject to this watered-down ban.

Mr. President, I can tell you that many wife abusers in my State of New Jersey are convicted in a bench trial. They are brought before the judge and he renders a verdict. These convictions are entirely valid. They can send someone to jail or declare it a misdemeanor. There is no basis for excluding those charged and convicted by a judge—excluding them from the prohibition.

Mr. President, States vary considerably with respect to the types of crimes for which a jury trial is required. In some States, jury trials are used in most domestic violence cases. But in others, judges handle many of these cases.

So the effect of this amendment would be to exclude from the ban a large number of wife beaters, who happen to beat their wives in a State that has a bench trial rather than a jury trial. These wife beaters may have been just as violent as those in other States, where other abusers would be tried by a jury. But under this new language, these wife beaters would have a special exemption. They would be off the hook. "Aha, you didn't try me by a jury, so I want my gun while I beat my wife." Meanwhile, the wives and kids will remain unprotected from gun violence and, for some, that will mean, very simply, they are going to die. The difference often between the beating and a murder is the presence of a gun. Mr. President, it is wrong.

It is time to establish a very clear rule. If you are convicted of beating your wife or your child, you lose your gun. If you are convicted of abusing your child, you lose your gun, no ifs, ands, or buts.

Mr. President, another problematic provision in the new CR language—the continuing resolution is going to determine how we finance most of Government, and I want everybody to understand that, starting with the fiscal year, October 1. That is how we are going to finance Government. In that is this language that gives special exemption to wife beaters. The new language says to wife beaters: We are going to create a special exemption for you if you have been convicted by a judge.

In general, as most Americans know, ignorance of the law is no excuse. But, here, there is another out for the wife beater. For some reason or other, under this amendment, wife beaters would not be subjected to this rule. This amendment says that a wife beater must explicitly be given notice of the firearm ban at the time he is charged or notified of the complaint. Otherwise, if the notice is not given at the time of complaint or charging, the wife beater will be entirely free to have the gun. In other words, "Aha, I wasn't told that if I beat my wife, I might lose my gun, so therefore, it is my gun and my wife, and if I want to beat her, I will beat her." That is what they are saying.

Now, Mr. President, I am all for telling wife beaters they can't have a gun at any time. That is the best way, and it ought to be. It should not be a prerequisite for a ban. After all, it is not a prerequisite for anyone also. Felons are prohibited from having guns, regardless of whether they have ever been officially given notice. For them, ignorance of the law is no excuse. But under this amendment, it would be an excuse for a wife beater.

In fact, this amendment is constructed so poorly, that it would even allow wife beaters to get guns if they did get notice, if the notice wasn't at the time of the complaint or charging. In other words, if someone is only given notice about the ban when they're convicted, they could still possess guns.

Another effect of this language, Mr. President, is that it would completely exempt from the ban anyone who beat their wife, and was convicted, before the CR gets enacted, if they want to make it easy for these wife beaters to escape. This means that huge numbers of battered wives and abused children will remain vulnerable to firearm violence.

Mr. President, the bottom line is that the provision apparently to be included in the CR is not serious legislation even though Speaker GINGRICH said on a Sunday show that was witnessed by millions of Americans when he said he would accept this proposition, this legislation that I put forward. He promised he would do it. But once the NRA got hold of him and pulled on his coat a little bit he said, "Well, OK. Maybe we will just water it down a little bit." The same thing happened on the floor of this body.

It's little more than a sham. It claims to establish a gun ban for those committing domestic violence. But it's been drafted cleverly by the gun lobby. And, not surprisingly, it's got loopholes large enough to drive a truck of wife beaters through.

Mr. President, the problems with this amendment go on and on. And that's because this is not a serious amendment. It's a sham. It is a dodge. It is a shame.

It's a desperate attempt to let wife beaters and child abusers keep their

guns. And nobody should be fooled into believing otherwise.

Mr. President, I know the NRA has a lot of power around here. We see it exhibited all the time—raw power. I do not know how many members they have. It is estimated, as I understand it, at 3 million but they have 260 million other Americans in the grip of their hands. But isn't there some point at which we draw the line? Isn't their some point at which we draw the line? Isn't their some point where we say enough is enough? Isn't their some point where they want to protect their own wives, or their own children? Isn't there some point when we can stand behind a 97 to 2 amendment approved in the U.S. Senate and say, "Yes, we meant it?" Or did we say in some cases we meant it until we got into the darkness of a closed room and then we made our deal, and in the light before the public? Oh, no. We are good guys. We do not want those wife beaters to have guns, those child abusers to have guns. But in the secret of a dark room they said "Yes. The guy ought to have a gun. What the heck. He only beat his wife." If he beat the wife next door he would be in jail for 5 years; or, if he abused the child next door he would be in jail 5 years, or maybe in some States they want child abusers to be in jail for life. But if it is your own kid, if it is your own wife, it is like that is chattel property, you know. Just do as you please.

Mr. President, I hope my colleagues will keep something in mind when they think about this provision. This is nothing short of a matter of life and death.

Somewhere out there, there are thousands of battered wives and abused children. Thousands of innocent Americans who are virtually helpless against their abusers.

Mr. President, every year, there are about 2 million reported cases of domestic violence. Very few of them get prosecuted because they are convinced or frightened by the abuser that it would be tough. He wants to be forgiven. In approximately 100,000 of these cases a gun is involved—some put this figure at 150,000. In other words, an argument ensues, a gun is held, aimed and pointed to the head of the woman, and he says, "If you do not do this I am going to blow your head off." And the child witnessing that carries that trauma for life.

There is no question that the presence of a gun dramatically increases the likelihood that domestic violence will escalate into murder. According to one study, for example, in households with a history of battering, the presence of a gun increases the likelihood that a woman will be killed threefold.

As Senator WELLSTONE put it so beautifully and succinctly on the floor one day, all too often, the difference between a battered woman and a dead woman is the presence of a gun.

Mr. President, it is not an exaggeration to say that for many women and

children, we have their lives in our hands.

We can save their lives by enacting the Senate proposal, and keeping guns away from their abusers. Or we can cave in gutlessly to the NRA. And they will die. And they will be buried in their communities. But some of the grief has to extend to this place.

Mr. President, my message is simple. Wife beaters should not have guns, and child abusers should not have guns. And I urge my colleagues to stand up for the victims of domestic violence, to reject this sham legislation, and to enact meaningful law to keep guns away from wife beaters and child abusers.

And if the NRA and their supporters insist on pushing a sham ban, I want to put everyone on notice that I intend to fight this every step of the way with all the tools at my disposal.

I yield the floor.

Mr. THURMOND addressed the Chair. The PRESIDING OFFICER. The Senator from South Carolina.

VOTE TO OVERRIDE THE PRESIDENT'S VETO OF H.R. 1833

Mr. THURMOND. Mr. President, I rise today to speak on the President's veto of legislation to ban partial-birth abortions.

The President should have signed this legislation and helped us ban the shocking procedure known as partial-birth abortions. Instead, he ignored the overwhelming evidence that compels the need for this legislation to become law. I heard testimony on this matter from doctors before the Judiciary Committee and without any doubt, the availability of this procedure is indefensible.

The former Surgeon General, C. Everett Koop, stated, and I quote, "In no way can I twist my mind to see that partial-birth—and then destruction of the unborn child before the head is born—is a medical necessity for the mother."

Mr. President, one important issue that must be addressed here is the constitutionality of the partial-birth abortion ban. I believe that based on Supreme Court rulings in this area, the Partial-Birth Abortion Ban Act of 1995 would survive a constitutional challenge. In fact, in *Planned Parenthood of Southeastern Pennsylvania versus Casey* the Supreme Court stated, "The woman's liberty is not so unlimited * * * that from the outset the State cannot show its concern for the life of the unborn, and at a later point in fetal development the State's interest in life has sufficient force so that the right of the woman to terminate the pregnancy can be restricted."

The Casey decision established the undue burden test with the threshold question being whether the abortion-related statute imposes an undue burden on a mother's right to choose to have an abortion.

Mr. President, I believe that the Partial-Birth Abortion Ban Act of 1995